

**Yaxian Fan**  
**Email: fay731@yahoo.com**  
**Address: 248 Overbrook,**  
**Irvine, CA 92620**  
**Phone Number: 310 486-5282**  
**Plaintiff in Pro Per**

**UNITED STATE DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**

**CASE NO: 8:22 CV-02178-FWS-(DFMX)**

**YAXIAN FAN – PLAINTIFF**

**vs.**

**CITY OF NEWPORT BEACH**

**DEFENDANT - REPRESENT BY**  
**KER LEGAL GROUP**

**AND**

**ORANGE COUNTY SUPERIOR**  
**COURT IN THE CITY OF SANTA**  
**ANA - SECOND DEFENDANT**

**PLAINTIFF FILES AMENDED**  
**COMPLAINT FOR OPPOSITION**  
**PARTIES ENGAGE CONSPIRACY IN**  
**VIOLAION OF DUE PROCESS OF**  
**FOURTEENTH AMENDMENT.**

**ALSO, FILES AMENDED COVER**  
**SHEET FOR FEDERAL QUESTION**  
**JURISDICTION. 28 U.S.C. § 1331**

**DEMAND FOR COURT TRIAL, FOR**  
**FAIR JUSTICE, FOR FACTS CHECK,**  
**FOR CHILDREN'S SAFETY!**

**JUDGE: Honor, Fred W. Slaughter**  
**DEPT : 10D**

**TO: UNITED STATES HONORABLE JUDGE SLAUGHTER,**  
**FOR RESPONSE COURT PROCEEDING ORDERED ON FEBRUARY 24, 2023.**

**Jurisdiction and Venue**

1. This Court has jurisdiction over the subject matter and Plaintiff Pursuant to 28 U.S.C. § 1331, as this case involves Questions of Federal Law.

**PLAINTIFF FILES FEDERAL QUESTION JURISDICTION TO PURSUANT FOR FOURTEENTH AMENDMENT**

1 2. Federal Question Jurisdiction arising when victim Personal Injury Claim,  
2 both Defendants has been involved damages with deprived Plaintiff's  
3 due process right, court procedure right, human right and Citizen Civil  
4 Right. The Rights on Laws and legal proceedings, in order to guarantee  
5 fundamental fairness and justice.  
6

7  
8 Defendant from City of Newport Beach - Represent by KER Legal Group,  
9 and Defendant from Orange County Superior Court Courtroom Operation  
10 Supervisor, Stacy D. Secours, even they are Legal professional, both  
11 engaged conspiracy in violation Constitution "Rule-of-Law" core is:  
12 EQUAL RIGHT PROTECTION FOR DUE PROCESS as for everyone is  
13 held accountable same laws, are guaranteed treated equally for all in  
14 United States. Therefore, Plaintiff Pursuant the Rights for due process  
15 clause of Fourteenth Amendment.  
16  
17  
18

19 **Fourteenth Amendment:**  
20

21 *"All persons born or naturalized in the United States, and subject to*  
22 *the jurisdiction thereof, are citizens of the United States and of the State*  
23 *wherein they reside. No State shall make or enforce any law which shall*  
24 *abridge the privileges or immunities of citizens of the United States; nor*  
25 *shall any State deprive any person of life, liberty, or property, without*  
26 *due process of law; nor deny to any person within its jurisdiction the*  
27 *equal protection of the laws."*  
28

1 3. Venue was proper determined this Federal Court of Southern Division of  
2 Central District Court of California. Both Parties business operating and  
3 living in the Orange County, for this case was initially assigned correctly.  
4

5  
6 **Statement of Facts and Claim – One**

7 **Both Defendants engage conspiracy deprived Plaintiff's Court Trial,**  
8  
9 **that serious violation in due process clause of fourteenth Amendment.**

10 4. Amendment Complaint to City of Newport Beach – Attorney KER Legal  
11 Group, Owner is KER. He let Courtroom Operation Supervisor Stacy D.  
12 Secours, twice to hold on Plaintiff's documents and twice disallowed scan  
13 to Orange County Superior Court Register Online Access, ROA Docket.  
14 These documents for Plaintiff filed for Dispute Summary Judgement  
15 which against the City filed summary judgement on 9/13/2020.  
16

17 5. Directly, Judges cannot access online to read the documents for the case.  
18 Because only based on the City's files and opinion, that was totally unfair  
19 and untrue, truly was wrongful granted summary Judgement. PERIOD!  
20

21 Both parties engaged conspiracy in violation of Due Process Clause of the  
22 Fourteenth Amendment provides that no state shall deprive any person of  
23 life, liberty, or property, without due process of in common law.  
24

25 Nor deny to any person within its jurisdiction equal protection of the laws.  
26  
27



1 6. Courtroom Operation Supervisor, Stacy D. Secours whom twice hold on  
2 Plaintiff's Dispute Summary Judgement documents and twice stopped to  
3 scan to ROA Docket. For such abusive of discretions to proof he was  
4 intentionally to break public trust. Plaintiff does know him in personally,  
5 of course, he does not know me too. but "Why did he hold on twice of  
6 Plaintiff's documents?" Sure, only the way from KER let he to do so.  
7 As Supervisor who should due diligence, to analysis the such behavior if  
8 against constitution of due process when KER asked you. All evidence  
9 than can help you make correct decisions. As a supervisor that is very  
10 import rule, make sure court Procedures to goes to correct direction.  
11 Protect and obey the Due Process Clause of Fourteenth Amendment in  
12 Orange County Superior Court. But evidence to proof both of you  
13 engaged conspiracy. That is totally unacceptable.

14 **Please see evidence from two court clerks in support to proof:**

15 7. On November 18, 2020, Plaintiff filed Dispute Summary Judgement that  
16 for against the City filed Summary Judgement on September 21, 2020. During  
17 Pandemic, the Court changed filing system from windows to drop off in box at  
18 court lobby. Court Clerk Candis signed her name, told me: "You can receive  
19 stamped date in next day." I was satisfied let me know and expecting for it.

1 After I out of Court, I direct went to Post Office sent a same copy to KER office  
2 and wrote a note: "I'll send Court stamped date on cover page after I received."  
3

4 8. On November 24, 2020, I still did not receive the stamped cover page,  
5 and checked my documents did not show on ROA docket, I was extremely  
6 worried due to Summary Judgement CourtCall less ten days on 12/3/2020. I  
7 asked Court Clerk Susy, and she emailed to Candis: "Why Plaintiff did not  
8 receive her stamped date after she filed in last time which was on 11/18/2020?  
9 the answer was: "Supervisor hold on my documents." I asked: "Why? "What's  
10 Supervisor's name? Susy not too sure and suggested I should file again.  
11  
12

13  
14 9. After I filed second time, I was so shocked, Plaintiff's Dispute Summary  
15 Judgement documents still not show on ROA Docket. "What was went wrong?"  
16 I did not know Supervisor Stacy D Secours personally, "Why did you twice hold  
17 my dispute summary judgement intentionally?" until to today still hold on to.  
18

19 **Plaintiff demand his answer and my MSJ document return to Plaintiff ASAP.**  
20

21 10. During 2021, Plaintiff filed three-time complaints to Presiding Judge, and  
22 once again in 2023. due to the Court's employee as supervisor TWICE stopped  
23 scan to ROA Docket, that was intentionally in violation of Due Process of  
24 Fourteenth Amendment that subject matter for INVESTIGATION.

25 Finally, I had a letter, with respect if High Courts can solve the problem. Now,  
26 Appellant hope Federal to have fully investigation. Otherwise, that can  
27 encourage filing conspiracy and scandals easily to corrupt our Country's for  
28 many years build up Great Courts Legal System!

11. Also, Plaintiff demand answer from KER, as KER Legal Group's owner:  
"Why did your KER let Supervisor Stacy hold on Plaintiff's dispute Summary  
Judgement to ROA Docket?" Both engaged conspiracy My claim is when  
Courtroom Operation Supervisor abusive of discretion, abusive of due  
process, the summary judgement must invalid immediately!

### Statement of Facts and Claim – Two

**Judge George violation in Due Process disallowed have Oral argument**

12. On December 3, 2020, it was Thursday afternoon, during summary  
judgement court call hearing, Judge Stephanie George, as temporary only  
once for the case. I asked questions in beginning, such as: "I filed in timely, I  
have trucking history, did you read my files? she has no any answer. She  
asked: "Do you know the City filed tentative ruling?" I answered: "I don't know",  
after she reading based on only the City's tentative ruling, (My SMJ file still hold  
on by Supervisor Stacy) Judge George should stop and ask Plaintiff before  
granted summary judgement: "What do you want to response?" but she did not  
stop, did not gave an opportunity let Plaintiff to response. She just continues to  
reading the last sentence: "Summary Judgement is granted." The City's  
attorney Keith E, Rodenhuis immediately said: "Thank you your honor!" After  
I heard that four words, I was emotionally, "It's not fair, that only for one big



1 party's ruling?" Judge George continue ignoring me, did not answer my any of  
2 questions and she went next case. I hold on phone for half hours, try to find  
3 chance if can speak to her, but my phone line was cut off. From Supervisor  
4 Stacy hold on my files to no chance for response only party's opinion. From  
5 KER Group outright lied for had Oral Argument, they all can using three ways  
6 analysis "How can have oral argument KER only said: "Thank you your honor?"  
7

8  
9 13. See Attached Evidence from KER Group filed: "Motion for Sanction," on  
10 4/14/2021 and 5/24/2021, (KER filed twice for the revenge sanctions) to proof  
11 KER only said four words on top of two line's description: "*He was only able to*  
12 *get out four words "thank you your honor" before Ms. Fan interrupted again.*" I  
13 cannot interrupt him due to **AFTER KER said four words.**  
14  
15

16 **Important, Judge George did not ask for Plaintiff to response the**  
17 **Tentative ruling and straight way to Granted summary judgement.**  
18

19 I spent all day try to if can speak to Judge George, but I have no idea which  
20 courtroom she was in? Finally, I found phone number and left message at  
21 Courtroom C22 which is or assigned Judge Salter at 7.15 pm in Friday night.  
22 I filed Contest Tentative Ruling with argued Tentative ruling on Monday,  
23 12/7/2020. Arguments such as: "The City need to hire a dozen of employees  
24  
25  
26  
27  
28

1 for warnings," I argued: "does not, just set up warning sign". KER claimed he  
2 never received, but I have email to proof he lied and received it.

3  
4 14. Again, I filed eleven arguments for disputed tentative ruling, KER claimed  
5 he did not have that, but I have email to proof he lied and received it.

6  
7 Argument continues on the City's immunity, by law section 24: "In the United  
8 States, sovereign immunity typically applies to federal government and state  
9 governments, but not to municipalities."

10  
11 15. On 3/3/2021, from Judge Stephanie George granted Judgement: "the  
12 Court finds that there is no triable issue as to material fact ", that was: "No  
13 Plaintiff's dispute Summary Judgement material, how can you know what was  
14 triable issue?" Furthermore, "How can Judge George make correct decision  
15 only based on the City's opinions?"  
16  
17

18 **"Why our Country need Due Process in support Courtroom operating?"**

19 **"Why we are People need Respectful and Trustworthy Judges?"**

20  
21 **Because is to adjudicate legal dispute all parties, not for a party ruling**

22  
23 **My claim is: Judge George only based on the City's file and evidence**  
24 **proof she did not engage Oral Argument, and abusive of power in**  
25 **violation of Due Process Fourteenth Amendment. Therefore, granted**  
26 **Summary Judgement must be dismissed.**



## Statement of Facts and Claim – Three

**Appellate Court of Fourth Appellate District Division Three's Opinions based on violation of due process of 14th Amendment from two defendants engaged conspiracy to dismissed appeal due to adopted KER's Group Conclusion, and proof the City of Newport Beach was the Appellate Court truly favoritism and careless on Children s safety.**

16. Appellant Court's opinion mentioned: "The City filed a motion for summary judgement, the motion is not in the record. Nor is Fan's opposition to the summary judgement record motion, if any." Due to Supervisor Stacy did not scan to ROA Docket and Judge George did not engage the Oral Argument, so the dismissed appeal was extension for only the City's opinion, it this why need Due Process Clause Protection!

17. The truth was, I attached the City provided evidences of Summary Judgement was filed in Sep 21, 2020. Four evidences file to Appellant Court:

1). Declaration from Mark Halphice who as chief of Newport Beach fire department for 36 years. He decelerated: "Sand, by its very nature, becomes more tightly compacted after it has been wet or submerged by frequently rising tides. Consequently, the sand on the bay beaches and surrounding the Tower is denser and more tightly, clay like"

After I read declaration than I learnt why the sand same as concrete in underground, due to frequently high tidal surrounding lifeguard stand on Marina Park that located Newport Bay, with no warning signs. Thereafter, turning to dangerous condition, caused Plaintiff's slip / fall / pothole broke bones injury.

2.) Declaration of Micah Martin, his position is Deputy of public worker. He uses beach raking machines daily on the beaches, but not on the Newport Bay, and he got hired after I had injury on May 15, 2018.

1 3.) Declaration of Eric Foley who as a certified inspector for 16 years.  
2 From his decelerated: "I never observed children playing on the subject and  
3 never been told that children have been playing on the tower."

4  
5 From new evidence on 01/18/202, and 7/31/2022, which Plaintiff token photos  
6 and videos as all evidences to proof Kids jump up down, especially, recent  
7 photos with no warning sign on high tides submerges compact sand. Nobody  
8 can see through WET in under no warning signs, which worry me every day.

9 4.) One photo as evidence, both party's exchanged exhibits as evidence during  
10 deposition all day on August 12, 2020, for court trial on 01/26/2021, and  
11 rescheduled to 03/29/2021.

12  
13 Appellate Court also have other two reasons to dismissed Appeal.

- 14 1) Failed to file timely. If use 180 days, I only used 152 days. Also, assigned  
15 **Judge Salter concluded from post judgment on 6/17/2021:**  
16 **"Given one or the arguments is that Fan was not afforded the**  
17 **opportunity to engage in oral argument on the summary judgement**  
18 **motion, the court concludes it MUST allow the motion to proceed**  
19 **as timely filed."**

20 After Judge Salter Post Judgement, the failed timely should not the issue  
21 brought up to Appellate Court. But KER still use frivolous matter, and so  
22 shocked to me, Appellant Court was dismissed appeal for such reason.

- 23 2) Failed to present any intelligible articulate legal argument, that was truly  
24 insulting Plaintiff and with prejudice judgement. Plaintiff was intelligent  
25 enough to analysis and argued Code 831.2 this not apply in improved  
26 property, that frequently high tidal are foreseeable and predicable.



1 **18. Above two reasons to dismissed appeal, that exactly adopted KER**  
 2 **Group Conclusion on 11/4/2021. Evidence to proof Appellate Court was**  
 3 **extension of in violation of due process clause from both Defendants.**

4  
 5 After I filed Petition of Review to Supreme Court of California in San Francisco,  
 6 the City no any of response. A month later, Supreme Court dismissed the  
 7 review without any opinion or writing. I called and been told: "The court is too  
 8 busy, average one hundred cases a day, and suggested I should file to Federal  
 9 Court." I asked if in Washington, they said no, in Center district in Santa Ana.

10 **Claim is Plaintiff suffering too much from both defendants engaged**  
 11 **conspiracy together in violation of due process, deprived Plaintiff's**  
 12 **rights and demanding for due process Right for fair justice and children's**  
 13 **safety! All above, the City is not Prevailing Party, KER does not entitle for**  
 14 **any of reward costs.**

### 18 **Statement of Facts and Claim – Four**

19  
 20 **All Evidence to proof KER Group how to engage conspiracy to conduct**  
 21 **scandals illegally and repeatedly from Superior Court to Appellate Court.**

22 19. Plaintiff demand an answer from the City's attorney Keith E. Rodenhuis  
 23 as KER Legal Group's owner: "Why did you let courtroom operation Supervisor,  
 24 Stacy D. Secours, to hold on Plaintiff's Court Documents for Dispute Summary  
 25 Judgement?" which was twice hold on to, as prove that was intentionally.  
 26  
 27  
 28



1 20. On May 24, 2021, KER Group filed Motion for Sanction based on  
2 threaten Plaintiff must withdrawal motion for dismiss wrongful summary  
3 judgement before May 5, 2021, if do not, they file Sanction for revenge.  
4 Because wrongful motivation, so the Sanction fully of accusations, outright lies  
5 from beginning to ending. Fortunately, assigned Judge Salter dismissed the  
6 Sanction and legal fee \$5,525 That to prove KER in violation of due process.  
7

8 21. On 2/7/2022, KER sent an email attached anonymity letter. The letter is  
9 evidence to proof KER Group conducted ugly scandals, using anonymity  
10 letter continue to outright lies in Appellant Court. Anonymity false accusations  
11 insult, abusive, harassment, hurtful, nobody backbites like that in my life. As  
12 City's Attorney for such all above, totally unacceptable, and shameful.  
13  
14

15 **Purportedly lies to court, as represent under penalty of perjury!**  
16

17 23. On 12/20/2023, KER Group claimed recovery cost in Deposition \$3,776.  
18

19 On 12/22/2022, after two days (but KER still blamed that failed timely, he just  
20 cannot stop lies), I filed Response: **"The City is not truly prevailing party,  
21 KER Group is not qualified for recovery cost. Based on they illegally  
22 conducted scandals from Superior Court to Appellant Court."**  
23  
24

25 Because the City's attorney engaged conspiracy that fundamentally serious  
26 in violation of Due Process and play ugly scandals behind, (hope that just  
27  
28

1 temporary for prevailing) **Plaintiff is still does not give up, Hope and**  
2 **Respect Federal Court is following on 14<sup>th</sup> Amendment to make**  
3 **corrections for allowing back for due processing.**  
4

5 24. Also, the deposition cost is disallowable for award cost by 1033. Details:  
6  
7 "Deposition for investigation for Court Trial is disallowable, only expense  
8 associated with Depositions." Again, assigned Judge Salter's ruling: "the costs  
9 are not statutorily authorized or not reasonable under the facts." KER as  
10 professional attorney whom knowledge deposition is disallowable, but still  
11 wants get double paid due to from Plaintiff and the City has been paid the bill.  
12

13 25. History always repeats! On 12/30/2019, KER Charged \$9,500 for legal  
14 fee, but split 50/50 between the City and Plaintiff as victim, that means KER  
15 spent same amount of time to deal same case for both sides, that was truly  
16 conflict in interest. Fortunately, that was first time disallowed charge by  
17 assigned Judge Salter. "Why KER always so greedy? and played such ugly  
18 scandals?" Evidence to prove KER engaged conspiracy deprived Plaintiff's  
19 human right, Court Procedural Right and Citizen Civil Right for Court Trial, for  
20 Fair Justice and Children's Safety. In this common lawsuit, he tried maximum  
21 to take advantage of Plaintiff as Self-Represent. That was worst experiences  
22  
23  
24  
25  
26  
27  
28

1 I never been before. Direct causation for the City represents by KER Group  
2 filed Summary Judgement must invalid immediately!  
3

4 **My Claim is that such ugly scandal plays in behind to against Due Process,**  
5 **the Summary Judgement should invalid immediately. Otherwise, same as virus,**  
6 **corrupt our country build up great legal system so easily. Also, claiming:**  
7

8 **Purportedly lies to court, as represent under penalty of perjury!**  
9

### 10 **Statement of Facts and Claim – Five**

11 **Because the City's no more "KEEP OFF" Sign, that remains even**  
12 **more dangerous condition and leaves of public, including children**  
13 **who play there at risk.**  
14

15 26. City of Newport Beach failure to notices SAND submerges with WET  
16 which high tides in underground, and surrounding the lifeguard Stand, that  
17 caused Plaintiff's Slip / Fall / Pothole injured to broke left forearm and foothill.  
18 Until now still no warning signs constantly since after injured five years ago.

19 Because no warning of hiding WATER, nobody can see through dry sand in  
20 underground that same as concrete surrounding Lifeguard Stand.  
21

22 27. I worry anyone can injury again from the hiding the "Pothole," especially,  
23 since the new evidence photos and videos from 2021 and 2022. From all  
24 evidence shows more in children's Park need extra care. The City failure to  
25 provide due care same as Ocean front, The City cannot ignore and failure to  
26 following National Safety Council about sand rules, such as: have six-foot long  
27  
28



1 drop off zone, cover depth fluff sand and rake sand daily, and do not tread  
2 children's safety and provide due care as secondary.

3  
4  
5 28. Plaintiff have all strong relevance evidences to establish the lawsuits,  
6 Plaintiff's Courts documents based on all evidences to proof the truth.

7 Defendant does not present facts of authorities relating to the case merits, no  
8 evidence in support to proof Plaintiff's injury does not cause the City  
9 negligence. Opposition has no evidence to defense Plaintiff's injury, which  
10 have no good reason, just outright lies for using failed timely all the time.

11  
12  
13 Plaintiff listed Citations for legal justification and evidences, please see original  
14 complaint filed on 12/2/2022

15  
16 **Plaintiff Claim: Respect Federal Court for Protection for Due Process right back**  
17 **for Court Trial for Facts Check, for Children's Safety. Also, Premise Liability**  
18 **against the City cause of Plaintiff's Slip / Fall / Pothole which direct causation**  
19 **broke bones injury without warning signs for four foreseeable conditions, that**  
20 **only the City's management knowing.**

## 21 **Request for Relief**

22  
23 29 WHEREFORE, the Plaintiff requests:

24  
25 **For this case, Everything I do, do for to prevent children and visitors that**  
26 **water in under with no warnings, to avoid what suffering I have been**  
27 **through at Children's Marina Park.**

30. For this case, Everything I do, do for to make sure children jump down at lifeguard stand if at the save place and provide good due care same as Oceanfront, also, within warning sign of WET in underground is the MUST!

31. Plaintiff demand for Protection of human rights, Citizen Civil Right, Due Process Right to make sure Court proceedings if fair, that proper laws were applied correctly, Pursuant Due Process Clause of Fourteenth Amendment.

32. Compensatory damages, including General and Special damages, according to proof. Any further relief which the Court may deem appropriate

**33. Do not Demand for Jury Trial**

**Fair justice is our time dream for! Equality is our society stand for!**

**Respectfully and Truthfully Submitted,**

**YAXIAN FAN,**



**Date: 03/24/2023**

**Plaintiff in Self – Represent**

List of attached evidences and form for amended Cover sheet.

- 1). Please see attached an Amended Cover Sheet for subject matter jurisdiction.
- 2). Evidence from two clerks Plaintiff Summary Judgement twice hold on by Superior Stacy S.
- 3). Evidence for No Oral Augment during Summary Judgement Court Call Hearing, four words opposition only said four words: "Thank you your honor" on 12/3/2020. 4. Post judgement from assigned Judge Salter, MUST file timely and do not engage oral argument on 6/17/2021.

EXHIBIT A

Amended Cover Sheet



UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

Amendment

**I. (a) PLAINTIFFS** ( Check box if you are representing yourself ☒ )

Yaxian Fan

**DEFENDANTS** ( Check box if you are representing yourself ☐ )City of Newport Beach - Represent by KER Legal Group  
Orange County Superior Court(b) County of Residence of First Listed Plaintiff Orange County

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Orange County

(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

Yaxian Fan, Address: 248 Overbrook, Irvine CA, 92620

Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

KER Legal Group

**II. BASIS OF JURISDICTION** (Place an X in one box only.)☐ 1. U.S. Government Plaintiff☒ 3. Federal Question (U.S. Government Not a Party)☐ 2. U.S. Government Defendant☐ 4. Diversity (Indicate Citizenship of Parties in Item III)**III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only** (Place an X in one box for plaintiff and one for defendant)

Citizen of This State

PTF ☐ 1 DEF ☐ 1

Incorporated or Principal Place of Business in this State

PTF ☐ 4 DEF ☐ 4

Citizen of Another State

☐ 2 ☐ 2

Incorporated and Principal Place of Business in Another State

☐ 5 ☐ 5

Citizen or Subject of a Foreign Country

☐ 3 ☐ 3

Foreign Nation

☐ 6 ☐ 6**IV. ORIGIN** (Place an X in one box only.)☐ 1. Original Proceeding☐ 2. Removed from State Court☐ 3. Remanded from Appellate Court☐ 4. Reinstated or Reopened☐ 5. Transferred from Another District (Specify)☐ 6. Multidistrict Litigation - Transfer☐ 8. Multidistrict Litigation - Direct File**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☐ Yes ☒ No (Check "Yes" only if demanded in complaint.)**CLASS ACTION under F.R.Cv.P. 23:** ☐ Yes ☒ No☒ **MONEY DEMANDED IN COMPLAINT:** \$ 500,000**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Both Defendants violation of Due Process Clause of the Fourteenth Amendment that derive Plaintiff's citizenright for due process, for facts check, for Children's Safety

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<b>Habeas Corpus:</b>	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b>	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 140 Negotiable Instrument	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 530 General	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA)
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<b>Other:</b>	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<b>BANKRUPTCY</b>	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 485 Telephone Consumer Protection Act	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<b>CIVIL RIGHTS</b>	<b>FORFEITURE/PENALTY</b>	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 890 Other Statutory Actions	<b>REAL PROPERTY</b>	<input checked="" type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<b>LABOR</b>	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 896 Arbitration		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 751 Family and Medical Leave Act	
<input type="checkbox"/> 950 Constitutionality of State Statutes				<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number:

CV-71 (10/20)

CIVIL COVER SHEET

Page 1 of 3



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII. VENUE:** Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

<b>QUESTION A: Was this case removed from state court?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

<b>QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question C. If "yes," answer Question B.1, at right.	<b>B.1.</b> Do 50% or more of the defendants who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> →	<input checked="" type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there.  <input type="checkbox"/> NO. Continue to Question B.2.
	<b>B.2.</b> Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →	<input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there.  <input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.

<b>QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question D. If "yes," answer Question C.1, at right.	<b>C.1.</b> Do 50% or more of the plaintiffs who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> →	<input checked="" type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there.  <input type="checkbox"/> NO. Continue to Question C.2.
	<b>C.2.</b> Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →	<input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there.  <input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.

QUESTION D: Location of plaintiffs and defendants?	A. Orange County	B. Riverside or San Bernardino County	C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>D.1. Is there at least one answer in Column A?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there. If "no," go to question D2 to the right. →	<b>D.2. Is there at least one answer in Column B?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below. If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. ↓
---	---

QUESTION E: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, C, or D above: →	SOUTHERN <span style="float: right;"><input checked="" type="checkbox"/></span>

<b>QUESTION F: Northern Counties?</b> Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---

**IX(a). IDENTICAL CASES:** Has this action been previously filed in this court? ☐ NO ☒ YES

If yes, list case number(s): 8:22-cv-02178-FWS-DFM Honorable Judge: Slaughter ( Previously Original filed on December 2, 2022) Today filed an Amendment.

**IX(b). RELATED CASES:** Is this case related (as defined below) to any civil or criminal case(s) previously filed in this court? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

**Civil cases** are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

**A civil forfeiture case and a criminal case** are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

**X. SIGNATURE OF ATTORNEY**

**(OR SELF-REPRESENTED LITIGANT):** \_\_\_\_\_

DATE: 03/24/2023

**Notice to Counsel/Parties:** The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))



EXHIBIT B.

Two Court Clerks. Signed name & Date.  
for received Dispute Summary Judgment.

\* Susy ~~not drop~~  
11/24

Susy signed her name & date  
@11/24/2020, I dropped my tile for  
2nd Time. Also, she emailed to  
Candice about: "where was my tile"  
and told me: "Supervisor has my tile,"  
I asked: "What's supervisor's name?"  
Why hold my tile too long?  
Susy is not too sure about.

Candice told me "I can received  
copy of stamp the date 11/18/2020  
in next day."

After, I sent to defendant's  
her legal group, they received  
in next day on 11/19/2020

See tracking number. I printed delivery history.

\* Candice  
Carr

11/18/2020 filings.  
12 dropped

EXHIBIT C

Evidence To Prove No Oral Argument.



KER filed Tuna Sanctions 5/24/2021

this page as evidence from KER Filed "Motion For Sanction" on 4/14/2021

"How can have oral Argument. KER only said: 'Thank you your honor'?"

Lies again, what did I shout about? KER need prove Court.

to stop shouting and Mr. Rodenhuis was unable to speak over her. He was only able to get out

four words "thank you your honor" before Ms. Fan interrupted again. Decl. of KER ¶ 13. The

Court, unpersuaded by Plaintiff's shouting, adopted the tentative as its final ruling. Decl. of

KER ¶ 14. I hope the Court have type record to proof who is liar. on 12/3/2020

From the December 3, 2021 oral argument to the present, our firm has received a torrent

of emails and documents from Plaintiff. Decl. of KER ¶ 15; See also, Decl. of KER, Exhibit E.

Each document contained threats and outlandishly false allegations against the Court, the City

and KER Legal Group, including calling Judge Stephanie George a "fake judge". In the

documents, Ms. Fan repeatedly stated, "I still hope the real Judge: Honor Glenn Salter should"

to review the procedures and the decisions in the wrongful judgment by the temporary Judge

Stephanie George on 3/3/2021." See, Decl. of KER, Ex. A & E. KER need gave "where

On March 25, 2021 at 1:38p.m., our firm received an email with three (3) documents and when

attached. Decl. of KER ¶ 16. The documents were nonsensical, but out of an abundance of

caution, our firm checked the Register of Actions and discovered Ms. Fan had somehow

scheduled an *ex parte* hearing for the next day, despite failing to give any notice. Unsure of the

basis of Plaintiff's *ex parte*, the City telephonically appeared at the hearing. Decl. of KER ¶ 17.

During the March 26, 2021 *ex parte* hearing, the Court (Honorable Salter) again

explained to Plaintiff that there was oral argument held by a "real judge" Honorable Stephanie

George on December 3, 2021, and Plaintiff's case was over. The Court was repeatedly

interrupted by Plaintiff shouting "No!" The Court was forced to take a break, further delaying

the other emergency *ex parte* hearings, until Plaintiff was finally off the line. Decl. of KER ¶

18. Because, during the *ex parte*, in the very beginning, I did not

know why suddenly, my phone no sound, I was scared if I had a

On March 31, 2021, we received another email from Plaintiff with the current Motion's

moving papers attached. Decl. of KER ¶ 19. The email contained three (3) PDFs (the

"Challenged Motion") labeled by Plaintiff as:

1. "Motion for Vacate Wrongful Judgement [sic]" (See, Decl. of KER, Ex. A1);

2. "Contesting the judgement [sic]" (See, Decl. of KER, Ex. A2); and

3. "Contest tentative ruling" (See, Decl. of KER, Ex. A3).

EXHIBIT: D

Post Judgment: "Concludes it must allow  
the motion to proceed as timely filed."

After six days, plaintiff filed notice for  
Appeal. Therefore, no such failed Timely Issue.

6/17/2021

From Judge Salter

Rulings 1

I filed  
on 3/11/2021  
and 3/17/2021  
rejected, by  
dig off the box  
or email. only  
file at 1st floor  
window OK

wrongful judgment." But the only extant document in the file is the clerk's rejection. (RAO 190.) Fan made several other requests to bring her claims as to the alleged wrongfulness of the judgment to the court's attention, but they were all rejected by the clerk's office for noncompliance with the Rules of Court.

On March 26, 2021, Fan filed a motion to vacate what she termed a "wrongful" judgment. (ROA 205.) Apparently, this was after Judge Oberholzer denied her ex parte request to continue trial of a matter that had been dismissed. (See ROA 203.) She attempted to file a new motion to vacate on May 17, 2021, but that was rejected for failure to pay a filing fee and because there was already a motion to vacate on calendar. (See ROA 225.) I paid 60, - after clerk asked

The court understands the plaintiff to make three basic arguments: (1) Judge George was not a "real" judge and, in any event, she was wrong to grant summary judgment under the facts; (2) plaintiff was deprived of the opportunity to engage in oral argument; and (3) there is additional documentary and photographic evidence that proves the plaintiff's case.

Thank you  
for the Court  
understand how  
difficult situation  
is

First, the City argues the motion was untimely filed. It is unclear from the nature of the motions and other documents filed what documents should be considered as the motion now before the court. Because Fan tried to file a declaration raising the issues she raises now right after the judgment was entered, this court is inclined, out of an abundance of caution, to deem the motion timely. Given one of the arguments is that Fan was not afforded the opportunity to engage in oral argument on the summary judgment motion, the court concludes it must allow the motion to proceed as timely filed.

Fan's assertion that Judge George is not a "real judge" and somehow this court had to hear the summary judgment motion is wrong. Judge George is a duly elected judge of the Orange



POS-050/EFS-050

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: Yaxian Fan FIRM NAME: STREET ADDRESS: 248 Overbrook CITY: Irvine STATE: Ca ZIP CODE: 92620 TELEPHONE NO.: 310-486-5282 FAX NO.: E-MAIL ADDRESS: fay731@yahoo.com ATTORNEY FOR (name): Self-Represent		<b>FOR COURT USE ONLY</b>          CASE NUMBER: 8:22-CV-02178-FWS-(DFMx)
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Central District of California-Southern Div STREET ADDRESS: 411 W Fourth St MAILING ADDRESS: CITY AND ZIP CODE: Santa Ana, CA 92701 BRANCH NAME: Ronald Regagan Federal Building - an U/S/ Courthouse		
PLAINTIFF/PETITIONER: Fan DEFENDANT/RESPONDENT: City of Newport Beach / Orange County Superior Court		JUDICIAL OFFICER: Honor. Judge Fred W. Slaughter
<b>PROOF OF ELECTRONIC SERVICE</b>		DEPARTMENT: D10

1. I am at least 18 years old.

- a. My residence or business address is (specify):  
 248 Overbrook  
 Irvine, CA 92620
- b. My electronic service address is (specify):  
 fay731@yahoo.com

2. I electronically served the following documents (exact titles):

- 1) Amended Complain for both defendants violation of Due Process Clause of the Fourteenth Amendment,  
 2) Amended Cover Sheet for Federal Question Jurisdiction

☒ The documents served are listed in an attachment. (Form POS-050(D)/EFS-050(D) may be used for this purpose.)

3. I electronically served the documents listed in 2 as follows:

- a. Name of person served: keith E. Rodenhuis, Amber McCall, Roger, Superior Court in Orange  
 On behalf of (name or names of parties represented, if person served is an attorney):  
 City of Newport Beach
- b. Electronic service address of person served :  
 keith@kerlegalgroup.com, amber@kerlegalgrouo.com, Rodge@kerlegalgroup.com, cnbfan\_federal@projects.filevine.com
- c. On (date): 3/24/2023

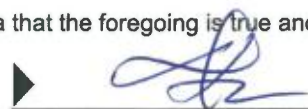
☒ The documents listed in item 2 were served electronically on the persons and in the manner described in an attachment.  
 (Form POS-050(P)/EFS-050(P) may be used for this purpose.)

Date: 3/24/2023

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Yaxian Fan

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

Page 1 of 1